

REMARKS/ARUGMENTS

Upon entry of this amendment, claims 1-12 will be canceled without prejudice or disclaimer of the subject matter recited therein, and claims 13-18 will be added, whereby claims 13-18 will be pending. Claims 13-18 are independent claims.

The Examiner's attention is directed to Applicant's originally filed specification, including page 3, last paragraph, and the originally filed claims for support forth the subject matter recited in the claims.

Reconsideration and allowance of the application are respectfully requested.

Consideration Of Disclosure Statement

Applicant expresses appreciation for the inclusion with the Office Action of copies of the Forms PTO-1449, whereby the Examiner's consideration of the Information Disclosure Statement, filed June 4, 2001, the Supplemental Information Disclosure Statement, filed June 21, 2001, is of record.

Claim Of Priority

Applicant expresses appreciation for the acknowledgment in the Office Action of the claim of foreign priority as well as receipt of the certified copy of the priority document, which is, in fact, submitted in this national stage application.

Response To Rejection Under 35 U.S.C. 112, First Paragraph

Claims 1-12 are rejected under 35 U.S.C. 112, first paragraph, for failing to provide an enabling disclosure because the rejection asserts that it is not clear that the monoclonal antibody is publicly available or can be reproducibly isolated from nature without undue experimentation and because the best mode disclosed by the specification requires the use of the monoclonal antibody, the Examiner contends that a suitable deposit for patent purposes is required.

In response, Applicant respectfully submits that one having ordinary skill in the art would be able to practice Applicant's invention without undue experimentation, and a deposit is not necessary.

In particular, the Examiner's attention is directed, for example, to Aida et al, Cancer Research, 45, pp. 1174-1180, 1985, which was submitted with the Information Disclosure Statement, filed June 4, 2001. As can be seen from review of this article, such as at page 1174, right-hand column, under the heading "Production of Hybridomas", the method for preparation of the monoclonal antibody c143 is disclosed in the art, and characteristic features for identification of the monoclonal antibody c143 are also known.

Accordingly, this rejection is without sufficient basis, and should be withdrawn.

Response To Objection to claims 5-9

In response to the objection of claims 5-9 under 37 C.F.R. 1.75 as being a substantial duplicate of claims 1-4, Applicant respectfully submits that this objection moot in view of the amendments to the claims. Therefore, this ground of objection should be withdrawn.

Response To Rejections Based Upon Prior Art

In response to the rejection of claims 1 and 6 under 35 U.S.C. 103(a) as being unpatentable over Koguchi et al., J. Compar. Pathol., Vol. 115, pp. 343-352 (1996), Applicant respectfully submits the following.

Applicant respectfully submits that Koguchi merely discloses that, in the initial stages of bovine leukemia, an antigen is detected by the c143 monoclonal antibody and the c143 tumor associated antigen is helpful in revealing the steps of pathogenesis of bovine leukemia virus. However, Koguchi fails to teach or suggest methods as recited in Applicant's claims for detecting a bovine individual which has a possibility of onset of bovine leukemia. Koguchi does not teach or suggest structure of the epitope of the aforementioned monoclonal antibody, such as, how the c143 monoclonal antibody binds to the antigen with an amino acid sequence such as Val.Asp.Thr.Tyr in the antigen which is attributable to susceptibility of a BLV infected subject to onset of bovine leukemia.

If this ground of rejection is maintained, Applicant respectfully requests that the Examiner specifically point out where Applicant's methods and diagnostic compositions are specifically taught or suggested within Koguchi's disclosure which primarily relates to a study including c143, but not to Applicant's recited disclosed and recited invention.

Still further, the Examiner's attention is directed to page 350 of Koguchi wherein at the end of the first full paragraph reference to PCR techniques is discussed. This is no indication as to any method associated with Applicant's invention.

Accordingly, this ground of rejection should be withdrawn.

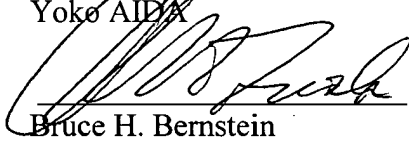
CONCLUSION

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections of record, and allow each of the pending claims.

Applicant therefore respectfully requests that an early indication of allowance of the application be indicated by the mailing of the Notices of Allowance and Allowability.

Should the Examiner have any questions regarding this application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Yoko AIDA

 Reg. No. 33,097
Bruce H. Bernstein
Reg. No. 29,027

December 30, 2003
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191